

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VINCENT FIELDS,

Petitioner(s),

v.

U.S. PAROLE COMMISSION,

Respondent(s).

NO. C09-402MJP

ORDER ADOPTING REPORT AND
RECOMMENDATION

The above-entitled Court, having received and reviewed

1. Magistrate Judge's Report and Recommendation (Dkt. No. 41)
2. Petitioner's Objections to Report and Recommendation (Dkt. No. 42)
3. Petitioner's Motion to Expedite (Dkt. No. 43)

and all attached declarations and exhibits, makes the following ruling:

IT IS ORDERED that the Report and Recommendation is ADOPTED; Petitioner's amended petition for writ of habeas corpus (Dkt. No. 34) is DENIED and this action is DISMISSED.

IT IS FURTHER ORDERED that Petitioner's motion to expedite is STRICKEN as moot.

Discussion

Petitioner's petition for writ of habeas corpus and his objections to the Magistrate Judge's Report and Recommendation are premised on the failure of the federal authorities to execute a parole violation warrant based on his arrest and conviction for state law violations for which he is currently serving out his sentence. His argument is that the unexecuted federal detainer constitutes a violation of both his federal due process rights and of state law.

This issue has been examined and determined adversely to Petitioner at both the Supreme Court (Moody v. Daggett, 429 U.S. 78, 87 (1976)) and Ninth Circuit (U.S. v. Garrett, 253 F.3d 442,

1 447 (9th Cir. 2001) levels. It is well-settled at this point that the federal authorities are under no
2 obligation to execute a parole violation warrant on a convicted state prisoner until the expiration of
3 his state sentence, and the failure to do so prior to that time implicates none of the prisoner's federal
4 rights.

5 On that basis, Petitioner's amended writ of habeas corpus will be DENIED, and this action
6 will be DISMISSED.

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8 The clerk is ordered to provide copies of this order to all counsel.

9 Dated: May _24_, 2010

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12 Marsha J. Pechman
13 U.S. District Judge
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